

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

STEVEN R. BERGFELD,

Plaintiff,

V.

ILLINOIS CENTRAL RAILROAD,

Defendant.

Case No. 3:09-cv-191-JPG-DGW

# PROTECTIVE ORDER

Currently pending before the Court is the parties' Motion for Agreed Protective Order Regarding Production of Personnel File of a Non-Party Employee, Mark McKinney (Doc. 13).

Rule 26 of the Federal Rules of Civil Procedure permits litigants to seek an order to protect discoverable, yet confidential, material from public disclosure. The parties stipulate that the confidential personnel file of non-party Mark McKinney will be used only for the purposes of this litigation, and that a protective order will secure protected information from unauthorized disclosure. The Court finds that good cause exists for issuance of an order permitting limited disclosure of such information, and that entry of the proposed protective order is appropriate pursuant to Federal Rules of Civil Procedure 26(c). The Court, being fully advised and having determined that good cause exists for entry of a protective order, **GRANTS** the motion.

**THEREFORE, IT IS HEREBY STIPULATED AND ORDERED:**

In this cause, the parties made known to the Court that the counsel for the plaintiff will be furnished a copy of the personnel file of Mark McKinney (hereinafter “the documents”) by Illinois Central Railroad Company which is of a confidential and proprietary nature, and for the protection against the unauthorized disclosure or improper use of the documents and to protect the confidential

nature thereof, the parties, by their counsel, have agreed to the entry of the following Protective Order:

It is, therefore, ORDERED by the Court, and by express agreement of the parties, their counsel, and representatives, that the confidentiality of the documents furnished by Illinois Central Railroad Company to the plaintiff, other parties, and to their experts, consultants or attorneys shall be carefully and scrupulously maintained in the following manner:

1. The use of the documents or copies thereof furnished by ILLINOIS CENTRAL RAILROAD COMPANY (hereinafter "Illinois Central") to any party herein or their attorneys is governed by this Protective Order;

2. Neither the documents, nor information contained therein, may be disclosed to persons other than the Court and its personnel, the parties, their counsel of record, and experts and witnesses;

3. The document and information derived therefrom shall not be used by or under the authority of any person or party receiving the same for any business or competitive purpose and shall be used for purposes of this litigation only;

4. Upon final determination or resolution of this action, the documents (and all copies) shall be promptly returned to counsel for ILLINOIS CENTRAL RAILROAD COMPANY.

**DATED: May 4, 2010**

*s/ Donald G. Wilkerson*  
**DONALD G. WILKERSON**  
**United States Magistrate Judge**